

Notice of Allowability**Application No.**

10/789,526

Examiner

Janet L. Epps-Smith

Applicant(s)

DOBIE ET AL.

Art Unit

1633

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 10/28/2009, Interview Summary and Examiner's Amendment 11-06-09.
2. ☒ The allowed claim(s) is/are 1,4-7,9,13,20-23,46,47,50,52-60,66-68,70-74,76 and 77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10-28-09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11-06-09
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Janet L. Epps-Smith/
Primary Examiner, Art Unit 1633

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julie Hooper, Esq. on 11-06-09.

The application has been amended as follows:

1. (Currently Amended) A compound ~~from~~ consisting of 20 to 50 nucleobases ~~in length targeted to a nucleic acid molecule encoding growth hormone receptor~~, wherein said compound comprises the nucleobase sequence of SEQ ID NO: 19; and wherein said compound is at least ~~80%~~ 90% complementary to SEQ ID NO: 4 as measured over the entire length of said compound.

46. (Currently Amended) The compound of claim ~~[[1]]~~ 4, wherein said ~~compound is an antisense oligonucleotide 20 to 50 nucleobases in length comprising the nucleobase sequence of SEQ ID NO: 19, wherein said antisense oligonucleotide 20 to 50 nucleobases in length~~ comprises a ten deoxynucleotide region flanked on both the 5' end and the 3' end of said ten deoxynucleotide region with at least five 2'-O-(2-methoxyethyl) nucleotides, wherein each internucleoside linkage in said antisense

oligonucleotide is a phosphorothioate linkage and wherein each cytosine in said antisense oligonucleotide is a 5-methylcytosine.

47. (Currently Amended) A pharmaceutical composition comprising the ~~antisense oligonucleotide~~ compound of claim 46 and an ingredient selected from the group consisting of a pharmaceutically acceptable carrier, diluent, penetration enhancer, excipient and combinations thereof.

61. (Canceled)

68. (Currently Amended) The compound of claim 67, wherein said compound comprises:

a region of deoxynucleotides flanked on both the 5' end and the 3' end of said deoxynucleotide region with at least one 2'-O-(2-methoxyethyl) nucleotide;

wherein each internucleoside linkage[[s]] of said compound is a phosphorothioate internucleoside linkage;

and wherein each cytosine of said compound is a 5-methylcytosine.

74. (Currently Amended) The compound of claim 4, wherein said compound is ~~13, 14, 15, 16, 17, 18, 19,~~ 20, 21, 22, 23, 24, 25, or 26 nucleobases in length.

75. (Canceled)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Epps-Smith whose telephone number is 571-272-0757. The examiner can normally be reached on M-F, 10:00 AM through 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet L. Epps-Smith/
Primary Examiner, Art Unit 1633